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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,802

09/22/2005

Tsukasa Seya

GRT/1035-591

4531

23117

7590

01/06/2009

NIXON & VANDERHYE, PC

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EXAMINER

HAMUD, FOZIA M

ART UNIT

PAPER NUMBER

1647

MAIL DATE

DELIVERY MODE

01/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,802

Applicant(s)

SEYA ET AL.

Examiner

FOZIA M. HAMUD

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/18/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 33-36 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/ISD)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: PTO-90C revised notice
- Paper No(s)/Mail Date: _____

Examiner's Amendment:

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary R. Tangiawa, (*Applicants' Representative*) on 22 December 2008.

The application has been amended as follows:

IN THE CLAIMS:

2a. Please amend the claims as follows:

Claim 3. (Twice amended) A method of screening for a compound that inhibits the binding between a human Toll-like receptor 3 and a protein comprised of the amino acid sequence of SEQ ID NO:2 or the amino acid sequence from position 394 to position 532 of SEQ ID NO:2, the method comprising

contacting a candidate compound with a cell transfected with a DNA molecule gene-encoding said protein, wherein said cell naturally expresses human Toll-like receptor 3 and

measuring whether said compound inhibits the binding between said protein and human Toll-like receptor 3.

Claim 34 (Once amended) An isolated DNA molecule ~~gene~~ encoding the protein as set forth in Claim 33.

Claim 35. (Once amended) A recombinant expression vector having a DNA molecule
~~gene~~ as set forth in Claim 34.

36. (Once amended) An isolated host A-transformant cell transformed with a
recombinant expression vector as set forth in Claim 35.

2b. Please cancel claims 1, 2, 4, 6, 9, 27 and 37 without prejudice or disclaimer.

Priority:

3. An English language translation for foreign priority document, (Japanese Patent Application No: 2002-349015) has been received on 18 September 2008. Accordingly the claimed invention is entitled to the priority date of 29 November 2002.

Reason for Allowance:

4. The rejection of claim 3 made under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al, (WO2002053737-A1, issued on 11 July 2002), in view of Imler, et al (Nature Immunology, Feb 2003, Vol. 4, No. 2, pp. 105-106), is withdrawn. Applicants have filed translation of the Japanese priority document 2002-349015 and therefore, the claimed invention is entitled to the priority date of November 29, 2002. Accordingly, the Imler et al reference is not prior art.

Status of Claims:

5. Claims 1-2, 4-26, 27-32 and 37 have been canceled. Claims 3, 33-36, (now renumbered 1-5, respectively) are allowed.

Sequence Compliance

6. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). **Specifically, the sequences disclosed in Figures 5-6 and 16 are not accompanied by the required reference to the relevant sequence identifiers. See attached sequence compliance form. See also MPEP 2422.02.** There is also a discrepancy between the mouse TICAM-1 recited in figure 5 and SEQ ID NO: 4, which corresponds to the mouse TICAM-1. SEQ ID NO:4 has a glutamic acid (E) as the last amino acid residue, however figure 5 has a (G) as the last amino acid, which corresponds to glycine. This application fails to comply with the requirements of 37 CFR 1.821 through 1.825. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825).

Advisory Information:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOZIA M. HAMUD whose telephone number is (571)272-0884. The examiner can normally be reached on Monday-Friday: 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath N. Rao can be reached on (571) 272-0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fozia Hamud
Patent Examiner
Art Unit 1647
02 January 2009

/Bridget E Bunner/
Primary Examiner, Art Unit 1647